

## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/029,401         | 12/21/2001          | Roger A. Sabbadini    | 078853-0306            |

CONFIRMATION NO. 2137

## FORMALITIES LETTER



\*OC000000007392418\*

Andrew Edward Granston  
Foley & Lardner  
P.O. Box 80278  
San Diego, CA 92138-0278

COPY OF PAPERS  
ORIGINALLY FILED

Date Mailed: 01/30/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

05/09/2002 YPOLITE1 00000072 10029401

FILED UNDER 37 CFR 1.53(b)

|           |           |
|-----------|-----------|
| 01 FC:201 | 370.00 OP |
| 02 FC:202 | 252.00 OP |
| 03 FC:203 | 18.00 OP  |
| 04 FC:205 | 65.00 OP  |

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 370 to complete the basic filing fee for a small entity.*
- Total additional claim fee(s) for this application is \$270.
  - \$18 for 2 total claims over 20.
  - \$252 for 6 independent claims over 3 .
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 705.**
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

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*A copy of this notice MUST be returned with the reply.*

*HZ*

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



Atty. Dkt. No. 078853-0306

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Roger A. Sabbadini

Title: COMPOSITIONS AND METHODS  
FOR THE TREATMENT AND  
PREVENTION OF  
CARDIOVASCULAR DISEASES  
AND DISORDERS, AND FOR  
IDENTIFYING AGENTS  
THERAPEUTIC THEREFOR

Appl. No.: 10/029,401

Filing Date: 12/21/2001

Examiner: Unknown

Art Unit: 1653

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below

Michelle Sympson

(Printed Name)

(Signature)

April 29, 2002

(Date of Deposit)

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**TRANSMITTAL OF MISSING PARTS  
OF PATENT APPLICATION**

Commissioner for Patents  
Washington, D.C. 20231

Attn: BOX MISSING PARTS

Sir:

In response to the Notice to File Missing Parts of Application mailed on January 30, 2002, in the above-identified application, transmitted herewith are the missing parts needed to complete the filing of the subject patent application.

Enclosed are:

- [ X ] Declaration and Power of Attorney (4 pages)
- [ X ] Return Copy of Notice to File Missing Parts (2 pages)
- [ X ] Other: Petition for Extension of Time (2 pages)

The filing fee is calculated below:

|   | Claims<br>as Filed | Included in<br>Basic Fee | Extra<br>Claims | Rate              | Fee<br>Totals |
|---|--------------------|--------------------------|-----------------|-------------------|---------------|
| Basic Fee   |                    |                          |                 | \$740.00          | \$740.00      |
| Total Claims:   | 22                 | - 20                     | = 2             | x \$18.00         | = \$36.00     |
| Independents:   | 9                  | - 3                      | = 6             | x \$84.00         | = \$504.00    |
| If any Multiple Dependent Claim(s) present:   |                    |                          |                 | + \$280.00        | = \$0.00      |
| Surcharge under 37 CFR 1.16(e) for late filing of Executed Declaration and late payment of filing fee |                    |                          |                 | + \$130.00        | = \$130.00    |
|   |                    |                          |                 | SUBTOTAL:         | = \$1410.00   |
| [ X ] Small Entity Fees Apply (subtract 1/2 of above):  |                    |                          |                 |                   | = \$705.00    |
|   |                    |                          |                 | TOTAL FILING FEE: | = \$705.00    |
|   |                    |                          |                 | TOTAL FEE         | = \$705.00    |
| Difference to pay:  |                    |                          |                 | - \$0.00          | - \$705.00    |

[ X ] Check in the amount of \$705.00 in payment of surcharge fee (37 C.F.R. § 1.16(e))

[ ] Please charge Deposit Account No. 50-0872 in the amount of \$705.00 in payment of surcharge fee (37 C.F.R. § 1.16(e))

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date \_\_\_\_\_

By \_\_\_\_\_

FOLEY & LARDNER  
P.O. Box 80278  
San Diego, California 92138-0278  
Telephone: (858) 847-6767  
Facsimile: (858) 792-6773

Richard J. Warburg  
Attorney for Applicant  
Registration No. 32,372



Atty. Dkt. No 078853-0306

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Roger A. Sabbadini  
Title: COMPOSITIONS AND  
METHODS FOR THE  
TREATMENT AND  
PREVENTION OF  
CARDIOVASCULAR DISEASES  
AND DISORDERS, AND FOR  
IDENTIFYING AGENTS  
THERAPEUTIC THEREFOR

Appl. No.: 10/029,401

Filing Date: 12/21/2001

Examiner: Unknown

Art Unit: 1653

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below

Michelle Simpson

(Printed Name)

(Signature)

April 29, 2002

(Date of Deposit)

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ORIGINALLY FILED

**PETITION FOR EXTENSION OF TIME**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicant hereby petitions the Commissioner under 37 C.F.R. §1.136(a) for a one-month extension of time for response in the above-identified application for the period required to make the attached response timely.

The extension fee for response within the first month is \$55.00. A check for this amount is enclosed herewith.

05/09/2002 YPOLITE1 00000072 10029401

05 FC:215

55.00 OP

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date 4/29/02

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By 03  
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ORLANDO  
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MT  
\$  
FOLLEY LARDNER  
ATTORNEYS AT LAW

April 29, 2002

COPY OF PAPERS  
ORIGINALLY FILED

U.S. Patent and Trademark Office  
Attn: Box Missing Parts  
Washington, D.C. 20231

Re: U.S. Application No. 10/029,401  
Title: COMPOSITIONS AND METHODS FOR THE  
TREATMENT AND PREVENTION OF  
CARDIOVASCULAR DISEASES AND DISORDERS,  
AND FOR IDENTIFYING AGENTS THERAPEUTIC  
THEREFOR  
Inventor: Roger A. Sabbadini  
Our Reference No.: 078853-0306

To Whom It May Concern:

This above entitled Application was filed with the U.S. Patent and Trademark Office on December 21, 2001. In the transmittal forwarded with the Application, our office erroneously requested that the application not be submitted for Publication.

This letter serves to confirm that we are not requesting non-publication of the above entitled patent application. The box for "Request for application not to be published with certification under 35 U.S.C. §122(b)(2)(B)(I)" was inadvertently checked on our Utility Patent Application Transmittal.

I apologize for any inconvenience this may have caused.

Very truly yours,

Richard J. Warburg

RJW:mls

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023.214882.1